

REMARKS

The Description on current pages 2 and 3 has been amended to submit revised Statements of Invention corresponding to revised claims 1 and 16, and to provide new Statements of Invention corresponding to new claims 23 and 27.

In all of the above, no new subject matter has been added to the application as originally filed.

Claim 4 has been amended to correct a typographic error. The word "structure" has been replace with the word "structures".

The Examiner indicates that claim 15 is allowed and that claims 9, 13, 14, 17, 21 and 22 would be allowable if rewritten in independent form. Accordingly, new claim 1, which combines the features of current claims 1 and 9 is submitted to now be in allowable form. Claims 2 to 8 and 10 to 14, which depend either directly or indirectly from amended claim 1 are submitted to be allowable as well. Claim 9 is cancelled.

New claim 23, which combines the features of current claims 1 and 13, and new claims 24-26, which depend therefrom, are also submitted to be in allowable form.

New claim 16, which combines the features of current claims 16 and 17, and new claims 18-22, which depend therefrom, are submitted to be in allowable form as well. Claim 17 is cancelled.

New claim 27, which combines the features of current claims 16 and 21, and new claims 28-30, which depend therefrom, are also submitted to be in allowable form.

In light of the amendments to the claims, all of the Examiner's objections, based on Tsuzuki alone, or in combination with Reiber et al., are now moot.

In paragraph 3 of the Office Action, the Examiner objects to claim 21, yet in paragraph 6, the Examiner indicates that claim 21 is allowable. Current claim 21 is similar to current claim 13,

which the Examiner indicates to be allowable as well. Accordingly, we find it necessary to address the Examiner's rejection of claim 21 in paragraph 3 of the Office Action.

In rejecting claim 21, the Examiner comments that Figure 2 of Tsuzuki shows four base structures (8) and four playing pieces (4). This is true, but only demonstrates that Tsuzuki teaches that the number of base structures is equal to the number of small figures (4). But, since loose members (14) have also been identified as playing pieces by the Examiner, and Figure 2 shows eight loose members in addition to the four small figures, Tsuzuki actually teaches the use of four base structures (8) and twelve playing pieces (4, 14).


Moreover, claim 21 of the present application provides that "the number of base structures is equal to said predetermined number of said preselected sizes of said playing pieces". There is nothing in claim 21 that equates the number of base structures to the number of playing pieces, which is suggested by the Examiner as being taught by Tsuzuki. More importantly, Tsuzuki does not teach that the number of base structures is equal to the number of different sizes of playing pieces, as claimed herein by the applicant.

Accordingly, the subject matter of claims 13 and 21, now re-written and re-submitted as new claims 23 and 27 respectively, is not disclosed or even suggested by Tsuzuki, and these new claims, and the claims that depend therefrom, are submitted by the applicant to be allowable at this time.

The claims are allowable and favorable action is eagerly and earnestly solicited. If any issues remain, and the Examiner believes a telephone conversation will resolve such issues, the Examiner is urged to contact the undersigned attorney.

A fee for an additional independent claim accompanies this response. If any additional fees are due in owing, the Commissioner is authorized to charge Deposit Account 08-2455.

Respectfully submitted,


Christopher J. McDonald
Reg. No. 41,533

June 8, 2005

HOFFMAN, WASSON & GITLER, PC
2461 South Clark Street
Suite 522
Arlington, VA 22202
(703) 415-0100

Attorney's Docket: A-8793.AMA/CJM/bh